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10/523,695	02/03/2005	Kazuhiro Aizu	2005_0116A	8527

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EXAMINER
KHAN, SHAFIQUL H

ART UNIT	PAPER NUMBER
4183	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/523,695	AIZU ET AL.
	Examiner	Art Unit	
	Shafiqul Khan	4183	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 February 2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *29-53* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *29-53* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☒ All　b)☐ Some *　c)☐ None of:

　　　　1.☐ Certified copies of the priority documents have been received.

　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1. This office action is response to the application (10/523695) filed on sep 2, 2003.

Claim Rejections - 35 USC § 101

2.　　35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter,

or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and

requirements of this title.

Claims 45-47 have been rejected under 35 U.S.C 101 because the claimed invention is

directed to non-statutory subject matter.

A program is neither a process, machine, manufacture nor a composition of

matter. Applicants are suggested to use the claim language " a program embodies on a

computer readable storage medium".

Claim Rejections - 35 USC § 102

3.　　The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another

filed in the United States before the invention by the applicant for patent or (2) a patent granted on an

application for patent by another filed in the United States before the invention by the applicant for patent,

except that an international application filed under the treaty defined in section 351(a) shall have the effects

for purposes of this subsection of an application filed in the United States only if the international application

designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 29-53 are rejected under 35 U.S.C 102 (e) as being anticipated by

Chow et al. (US patent No. 7,010,002).

Regarding Claims 29, 42, 45 and 48, Chow discloses a home terminal apparatus

(connected to network such as IP network. The most common access points to

communication networks are POTS connections in the residences, SOHO, business

and public environments, (Col.1, Lines 51-53), the access port and Media Terminal

Adapter may be integrated into a single unit, such as an intelligent broadband access

point unit, to provide the functions of the access port and the Media Terminal Adapter,

Col.3, lines 21-24) for sending and receiving packet data (The access port receives and

sends wireless signals to a plurality of wireless devices. This architecture also allows

the user to control these devices remotely from the residence, business, SOHO or

public environments, (Col.12, lines 62-66), Media Terminal Adapter uses the access

port(s) to receive and send wireless signals to a plurality of wireless devices in

accordance with the call and service termination communications, (Col 3, Lines 43-46))

to and from a router that is connected to an external network (Col 8, Lines 50-52, Fig.1

(124)) to which a server apparatus is connected (Fig 1, network server (138), network

server platform (108)(NSP) administers the wireless terminals, including call processing,

operations, Administration and maintenance (OA&M) Col 8, lines 57-58). Chow also

mentions about a storage unit of terminal apparatus (generation unit and storage unit

are interconnected) is capable to store local address of terminal and a unique terminal

ID (which is a Mac address (6 byte address), comes from the manufacturer, uniquely

given and commonly known) of the home terminal apparatus, local port of the terminal

device, address of the server and local port of the server (A port is an address that

identifies which process is to receive a message that is delivered to a given machine;

Widely used applications have well-known port numbers assigned to their servers so

that clients (have port numbers too) process in other computers can readily make

requests as required. The servers provide responses to those requests in an interval.

(This concept of port is commonly known in network world (Directory server—contains

E.164 number to IP address translation information. An E.164 number may be

translated to either the IP address of a home device, the PSTN gateway, or the IP

address of a NSP. Responds to translation requests from NSP, Col 9, lines 42-46,

Dynamic Host configuration Protocol (DHCP) server—assigns IP addresses to MTAs

and PCs for the high speed data service, Col. 9, lines 50-52). The home terminal

apparatus being connected to the router via a home network (Fig 1, Home network

(104,112, EWCSP, Router (124)). A communication unit operable to send/ receives the

packet data to and from the server apparatus via router. Chow further discloses of a

determination unit, which determines that home apparatus should communicate with the

server apparatus using (Media Terminal Adapter uses the access port (s) to receive and

send wireless signals to a plurality of wireless devices according to call and service

termination communications, Col3; lines 25-45) a first communication protocol (voice

communication) when communication unit sends address notification packet data

generated by the packet generation unit to the server apparatus periodically and

repeatedly at a predetermined sending interval via router, as a result, router is capable

to set a time period to hold and set the holding period (predetermined period) as a

sending interval (a short message server for low-speed home control devices; short

message service center for delivery of short message service message to wireless

devices within the home or business network, (Col. 9, lines 55-62, VoIP, abstract).

Packet generation unit and communication unit are interlinked (Fig 2, sheet 2 of 13

(applicant's figure)). So, it's anticipated that communication unit (getting packet data

from generating unit) can be used to send the data repeatedly to the router.

Regarding Claim 30, Chow discloses a mobile terminal device is connected to

the external network, the mobile terminal device being capable of sending the control

request to control the specific home terminal apparatus (Col 11, Lines 50-54).

Regarding Claim 31, Chow discloses a wireless PDA device that sends packet

data thru a webpage and enters command to reset an appliance such as VCR. The

associated server creates a message containing the VCR command and sends to NSP

(network server platform). The NSP translates the message into a TIA/EIA-136

message. The NSP retrieves the IP address for the AP of the subscriber's home

network, wraps it up in IP message and sends it to AP (access port). When AP receives

this message it extracts the SMS and send it to VCR. Thus it's an anticipated function of

the applicant's invention to send the packet data from an outside location and perform

control processing by sending the control info to a target home appliance (Col 11, lines

50-67).

Regarding Claim 32, Chow discloses a plurality of terminal apparatuses are

connected to the home terminal apparatus via the home network (100) (Fig 1, sheet 1).

A control unit operable to control the home terminal apparatus according to the control

information (EWCSP access port connected to MTA. The AP and MTA may be

physically one unit or two physically distinct and interconnected units. Media terminal

equipment integrated with a modem for access to service provider's broadband

transport network and to the service provider's broadband packet network, (Col 8, lines

12-18), the access port receives and sends unless signals to a plurality of wireless

devices. This architecture also allows the user control these devices remotely from the

residence, business, SOHO or public environments (Col 2, Lines 62-66). A

communication unit sends control information to each of the terminal apparatuses, and

the apparatus control unit controls each of the terminal apparatuses according to the

received control information. (Note any second generation or third-generation wireless

standard that supports the SMS feature can also be used, e.g., GSM. The AP can also

communicate with wireless enabled devices using a short message process adapted to

support home control service aspects, (Col 11, Lines 34-39); Home control of a TIA/EIA-

136-enabled appliance via the TIA/EIA-136 Short Message Feature. The

communication exchange between the NSP and the network server and between the

NSP and the AP, and the AP and the VCR are illustrated accordingly to the ANSI-41

and TIA/EIA-136 standard respectively, (Col 11, Lines 15-24)).

Regarding Claim 33, 43,46 and 49, Chow discloses a generation unit to generate

packet data to be sent to the server periodically and repeatedly (Col. 9, lines 55-62,

VoIP, abstract). Chow further discloses about a storage unit (generation unit) (a main

central processing unit (CPU) (capable of sending and receiving data)that includes

ROM and RAM memory, (Col 17, Lines 22-34); packets of voice and data information

received over the Ethernet interface are passed to the appropriate endpoint as desired

by the user. Additionally, main CPU handles some of the higher-level protocol functions

for these endpoints in order to assure quality of service maintained (Col 18, Lines27-

24)); Chow also mentions about a storage unit of terminal apparatus (generation unit

and storage unit are interconnected) is capable to store local address of terminal and a

unique terminal ID (which is a Mac address (6 byte address) comes from the

manufacturer uniquely given and commonly known) of the home terminal apparatus,

local port of the terminal device , address of the server and local port of the server (A

port is an address that identifies which process is to receive a message that is delivered

to a given machine; Widely used applications have well-known port numbers assigned

to their servers so that clients (have port numbers too) process in other computers can

readily make requests as required. The servers send responses based on requests in

an interval. (This concept of port is commonly known in network world). In addition,

Directory server—contains E.164 number to IP address translation information. An

E.164 number may be translated to either the IP address of a home device, the PSTN

gateway, or the IP address of a NSP. Responds to translation requests from NSP, (Col

9, lines 42-46), Dynamic Host configuration Protocol (DHCP) server—assigns IP

addresses to MTAs and PCs for the high-speed data service, (Col. 9, lines 50-52)).

Regarding Claim 34, based on the rejection of claim 30 and claim 33, claim 34

has been rejected.

Regarding Claim 35, based on the rejection of claim 31 and claim 34, claim 35

has been rejected.

Regarding Claim 36, based on the rejection of claim 34 and claim 30, claim 36 has been rejected.

Regarding Claims 37,44, 47 and 50, based on the rejection claim 29 and claim 33, claims 37,44, 47 and 50 have been rejected. (Notes to be taken, it's commonly known that server sends a response data based on the requests from the clients to terminal based ID or Mac address (whenever the terminal requests a response, this response takes place at an interval time). ·

Regarding Claim 38, Chow discloses communication unit (polling interval unit or adjustable unit and communication unit are interconnected (Fig 2, sheet 2 (applicant's figure)) sends address notification packet data generated by the packet generation unit to the server apparatus periodically and repeatedly at a predetermined sending interval via router, as a result, router is capable to set a time period to hold and set the holding period (predetermined period) as a sending interval. Polling technique is commonly known with network time protocol, determines when a terminal is ready to send data and could be default for the intervals to the longest or shortest response by increasing or decreasing the default. (Netgear Router and the University of Wisconsin-Madison May, 2003). (A short message server for low-speed home control devices; short message service center for delivery of short message service message to wireless devices within the home or business network, (Col. 9, lines 55-62, VoIP, abstract).

Regarding Claim 39, Chow discloses a generation unit to generate packet data to be sent to the server periodically and repeatedly (Col. 9, lines 55-62, VoIP, abstract). It's anticipated that if a generation unit can send packet data, is capable of doing so by

sending plurality of data and sending data one after another (different intervals) to avoid

itself from trafficking. A communication unit sends control information (data) to each of

the terminal apparatuses (meaning plurality of data being sent to different terminals)

(Note any second generation or third-generation wireless standard that supports the

SMS feature can also be used, e.g., GSM. The AP can also communicate with wireless

enabled devices using a short message process adapted to support home control

service aspects, (Col 11, Lines 34-39), Home control of a TIA/EIA-136-enabled

appliance via the TIA/EIA-136 Short Message Feature. The communication exchange

between the NSP and the network server and between the NSP and the AP, and the AP

and the VCR are illustrated accordingly to the ANSI-41 and TIA/EIA-136 standard

respectively, (Col 11, Lines 15-24)). Communication unit (polling interval unit or

adjustable unit and communication unit are interconnected (Fig 2, sheet 2)) sends

address notification packet data generated by the packet generation unit to the server

apparatus periodically and repeatedly at a predetermined sending interval via router, as

a result, router is capable to set a time period to hold and set the holding period

(predetermined period) as a sending interval. Polling technique is commonly known with

network time protocol, determines when a terminal is ready to send data and could be

default for the intervals to the longest response by increasing the default. (Netgear

Router and the University of Wisconsin-Madison, May, 2003). (A short message server

for low-speed home control devices; short message service center for delivery of short

message service message to wireless devices within the home or business network,

(Col. 9, lines 55-62, VoIP, abstract).

Regarding Claim 40, based on the rejection of claim 39, claim 38 and claim 29, claim 40 has been rejected.

Regarding Claim 41, based on the rejection of claim 29, claim 33 and claim 37, claim 41 has been rejected.

Regarding Claim 51, a terminal apparatus could be a home terminal apparatus, which is well known in network world. There is no novelty involved it. Using a term " home" doesn't specify any new invention.

Regarding Claim 52, an internet terminal is an apparatus for internet browsing, also commonly known as network computer (connected to a network) or an interpersonal computer (Sheet 1, figure 1 (applicant's figure)).

Regarding Claim 53, home appliance is commonly known as an appliance or apparatus that does a particular job at home. And home appliances mean plurality of apparatuses or appliances that do a particular job or jobs at home. Therefore; the term " home appliances" anticipates no new invention in this claim.

Conclusion

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shafiqul Khan whose telephone number is 5712701952. The examiner can normally be reached on Monday to Thursday 7:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Len Tran can be reached on 5712721184. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shafiqul Khan

Patent Examiner

10/14/07

LEN TRAN
PRIMARY EXAMINER
10/16/07